

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILFREDO BATISTA and ANNA SANCHEZ,

Plaintiffs,

-against-

**DECLARATION OF
HILLARY A. FROMMER**

05 Civ. 8444 (KMK)

THE CITY OF NEW YORK, STATE OF FLORIDA:
DEPARTMENT OF CORRECTIONS; STATE OF
FLORIDA: TAMPA EAST DIVISION AND PAROLE,

Defendants.
----- X

HILLARY A. FROMMER, declares pursuant to 28 U.S.C. 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York. As such, I am familiar with the facts stated below.

2. This declaration is submitted in support of Defendant City's Motion for Summary Judgment to dismiss the complaint pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that there is no genuine issue of material fact with respect to each of plaintiffs' claims.

3. Attached hereto as Exhibit "A" is a copy the State of Florida Department of Corrections Postsentence Investigation Probation Report for Wilfredo Batista.

4. Attached hereto as Exhibit "B" is a copy of the Order of Probation in the matter of State of Florida vs. Wilfredo Batista, Case No. 9802442.

5. Attached hereto as Exhibit "C" is a copy of the Florida Department of Corrections/Parole C Mission Application for Compact Services And Agreement to Return, dated July 1, 1998.

6. Attached hereto as Exhibit "D" is a copy of Correspondence from The New York City Department of Probation to the Florida Adult Interstate Department of Corrections, dated October 14, 1998.

7. Attached hereto as Exhibit "E" is a copy of the Investigation Report, Compact Office of Jurisdiction, Department of Corrections.

8. Attached hereto as Exhibit "F" is a copy of the Transmittal from the Florida Department of Corrections to the New York Probation Re: Wilfredo Batista, dated March 19, 2001.

9. Attached hereto as Exhibit "G" is a copy of the State of Florida Department of Corrections Warrant for docket No. 98-02242, dated June 7, 2001.

10. Attached hereto as Exhibit "H" is a copy of the State of Florida Violation of Probation Warrant Order to Take Into Custody in the matter of State of Florida vs. Wilfredo Batista.

11. Attached hereto as Exhibit "I" is a copy of Facsimile from Hillsboro County Sheriff's Office to New York County District Attorneys' Office, dated June 22, 2004.

12. Attached hereto as Exhibit "J" is a copy of the Criminal Court of the City of New York Fugitive Affidavit signed by Detective Michael Cosme.

13. Attached hereto as Exhibit "K" is a copy of the Order Dismissing Warrant in the matter of State of Florida vs. Wilfredo Batista, In the Circuit Court of Hillsboro County, Florida, Docket No. 98-02242.

14. Attached hereto as Exhibit "L" is a copy of Correspondence from the Hillsboro County Sheriff's Office to the District Attorney County of New York re: Wilfredo Batista, dated June 25, 2004.

15. Attached hereto as Exhibit "M" is a copy of the Criminal Court of the City of New York, County of New York Certificate of Disposition in the matter of The People of the State of New York v. Wilfredo Batista, Docket No. 2004NY046591.

Dated: New York, New York
December 11, 2006

MICHAEL A. CARDOZO
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By: 
Hillary A. Frommer (HF 9286)
Assistant Corporation Counsel